PLANNING COMMISSION

Department of Urban Planning & Design • P.O. Box 27210 • Tucson, AZ 85726-7210

DATE: **January 18, 2007**

TO: **Planning Commission**

FROM: **Albert F. Elias, AICP**
                  Executive Secretary

SUBJECT: **Proposed Neighborhood Preservation Zone Land Use Code Amendment**

Issue: This item is scheduled on the agenda tonight for discussion by the Planning Commission in a study session. The Neighborhood Preservation Zone (NPZ) is part of an infill strategy that attempts to ensure infill development is compatible with surrounding neighborhoods.

Recommendation: - Staff recommends that the Planning Commission set this item for public hearing on February 7, 2007.

Background: - Between June and October 2004, City staff conducted nine public meetings as part of the Design Development Option (DDO) *LUC* amendment. The issues raised included:

- Development of student "mini-dorm" structures in single family neighborhoods.
- Lack of adequate design requirements for approval of Residential Cluster Project (RCP) development.
- Design Guidelines Manual needs to be adopted by Mayor and Council.
- Proposed DDO will exacerbate overbuilding in established neighborhoods.
- Infill development is not always good development.
- Homeowners have no confidence in staff decision making in an administrative process.
- *Land Use Code* requirements do not work to protect established neighborhoods.
- Neighbors need a process for input in changes, both physical (new development) and legislative (amendments to the *Land Use Code*).
- Notification information and procedures are inadequate for most applications in the *Land Use Code*, and need to be changed.

To take a more comprehensive review of the issues and potential revisions to the LUC, staff withdrew the DDO amendment. A new subcommittee of the Planning Commission was established to create an open forum that enabled neighborhoods, builders and design professionals to address concerns about the *LUC*. The first meeting of the Infill Subcommittee occurred in September 2004. During that same time neighborhood representatives and community advocates, who had concerns with the current infill development process and the impact infill development has on neighborhoods, formed the Neighborhood Infill Coalition (NIC). The Planning Commission Subcommittee postponed their work until after the completion of the forums organized by NIC.

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In January 2005, the NIC & the Drachman Institute published a report outlining ten
recommendations. Two of the recommendations stated that the Residential Cluster Projects
(RCPs) ordinance should be reviewed to determine whether it complies with the original intent
and that the City consider writing protective language into the *LUC* that recognizes the special
development needs of neighborhoods.

In April 2005, meetings of the Infill Subcommittee resumed and staff continued to pursue a
neighborhood and infill planning proposal, consisting of three major components:

- Establish neighborhood Infill Planner position,
- Utilize Resources of University of Arizona, i.e., Drachman Institute
- Continue Infill Subcommittee of the Planning Commission to address neighborhood, builder
  and design professionals concerns about the *Land Use Code*.

In addition, staff hired Clarion Associates to assess the *LUC* and review potential changes.
As a result of these combined efforts, three *LUC* amendments were proposed: the Neighborhood
Preservation Zone, the Mixed Use Infill Zone and revisions to the existing Residential Cluster
Project code.

Amendment: - The proposed Neighborhood Preservation Zone (NPZ) establishes a zoning
classification that will allow for the subsequent designation of an overlay zone that may contain
regulations which supplement or replace the development regulations of the underlying zoning.
The NPZ is proposed as a tool to preserve characteristics unique to a neighborhood by creating a
specific set of regulations for new development within the zone. Establishing a NPZ is a two-step
process. First, is the preparation of a Neighborhood Preservation Program (NPP) which identifies
the characteristics to be preserved. Second is the rezoning process, which creates the NPZ, and
implements the NPP. As part of the NPZ amendment, a new Development Standard has also been
created to provide applicant guidance and instruction in preparing the Neighborhood Preservation
Program and the Neighborhood Preservation Zone application. A copy of the proposed
amendment and the new development standard are included as Attachment A and Attachment B
respectively.

As proposed, a NPZ may be initiated by 1) a private property owner within the proposed NPZ; 2)
the adoption of an Area or Neighborhood Plan that supports the use of the NPZ to achieve plan
goals; or, 3) an action of the Mayor and Council. If a private property owner
initiates the NPZ, the applicant's property must be located in the proposed NPZ. In addition, a
petition signed in support by 25% of the property owners located within the proposed NPZ, is
required as part of the application.

The Neighborhood Preservation Program identifies the: 1) particular neighborhood characteristics
that are to be preserved, 2) development regulations necessary to implement the program and, 3)
development criteria and regulations that will apply within the NPZ.   Specific development
criteria established to apply within the NPZ would supplement and/or supercede those established
in the underlying zoning. The development criteria may be established for such things as lot size,
landscaping, building heights, lot coverage, accessory structures and other criteria.

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The NPZ is a rezoning, or change to zoning boundaries, which are considered by the Zoning
Examiner at a public hearing for recommendation to the Mayor and Council.   Rezonings are
processed using the Zoning Examiner Legislative Procedure contained in the *LUC*. The NPZ
process is outlined below:

- Pre-application conference with City staff
- Neighborhood meeting (15-60 days prior to application submittal)
- Submit Application (includes Neighborhood Preservation Program (NPP) as part of
  application)

    1. Fill out application (to be created)
       a.) confirm property ownership
       b.) narrative explaining what is requested and why
       c.) a map illustrating the overlay boundaries

    2. Submit NPP with following:
       a.) Map
       b.) Special characteristics analysis
       c.) Proposed development regulations and development review & notice procedures
          (if applicable)

    3. Submit 25% property owner petition

- Staff & review agency review. DSD Director's recommendation (not less than 15 days prior
  to public hearing)
- Public hearing notice (not less than 15 days or more than 30 days prior to hearing to each
  property owner w/in 300 feet & neighborhood associations within 1 mile)
- Zoning Examiner's public hearing (within 70 days of acceptance of the application)
- Public hearing notice (not less than 15 days prior to hearing)
- Mayor & Council consideration

Conclusion: - The proposed Neighborhood Preservation Zone attempts to establish a part of an
infill strategy that creates compatible development in and near existing neighborhoods. Through
supplemental and replacement regulations the new zone tries to address existing and future
inappropriate development in or near neighborhoods. This type of zone has been used throughout
the country to help preserve the character of distinctive neighborhoods.

Legal Consideration: - The adoption of the NPZ creates a new zoning classification but does not
directly apply that classification to any property within the City. The adoption would not be
effected by the passage of Proposition 207 since the amendment does not directly regulate
individual property.

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Attachments:
Attachment A – Proposed NPZ – LUC Amendment
Attachment B – Proposed Development Standard